

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

COLLETTE L. FLANAGAN and  
RONDERALINE S. ALLEN,

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§

Plaintiffs,

§  
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§

3:13-CV-4231-M-BK

v.

§  
§  
§

CITY OF DALLAS, TEXAS and  
CLARK STALLER,

§  
§  
§

Defendants.

§

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made Findings, Conclusions and a Recommendation in this case. No objections were filed. The District Court reviewed the proposed Findings, Conclusions and Recommendation for plain error. Finding none, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

Defendant City of Dallas's motion to dismiss is **GRANTED in part**. Plaintiffs' racial profiling and excessive force claims based on a policy of racial profiling are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs may replead such claims in an effort to state a claim by **October 6, 2014**. Defendants' claims under the Fourteenth Amendment, not the Fourth Amendment, are **DISMISSED WITHOUT PREJUDICE**. The balance of Defendants' Motion to Dismiss is **DENIED**.

SO ORDERED this 23rd day of September, 2014.

  
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BARBARA M. G. LYNN  
UNITED STATES DISTRICT JUDGE  
NORTHERN DISTRICT OF TEXAS